IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 13 OF 1991
IN
TESTAMENTARY PETITION NO. 590 OF 1990.

Bella Almeida ... Deceased
Mr. Melville Fredric D'Mello ... Petitioner
Plaintiffs

Vs.

1. Mrs. Marita Mosquitta & Ors. ... Respondents.
... Defendants.

Denzil D'Mello for the Petitioner/Plaintiffs.
None for the Defendant/Respondents.

Coram : S.K.Shah, J.
Date : March 17, 2005.

P.C.:

1. The Original Caveat was filed by Mrs. May Pereira, who expired and her legal heirs are brought on record. The legaal heirs are two daughters, namely, Mrs. Marita Misquitta and Mrs. Melanie Baptista. Both of them have filed affidavit stating therein that they had withdrawn the Caveat and have no objection to grant Probate to Mr. Melville Frederick D'Mello, the Petitioner/Plaintiff and one of the Executors of the Will of the deceased testatrix. The daughter of the deceased Maureen Fonseca, defendant No.2 has also filed affidavit stating that there is no objection to grant Probate to Mr.Melville Fredric D'Mello, one of the Executors of the Will.

2. Under the circumstances, the Caveat does not survie. Consequently, the Suit is disposed of. The Petition is allowed.

. The Probate of the Will, as prayed be granted in favour of the Petitioner.

. Testamentary Department to proceed with Grant of the Probate of the Will accordingly.

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[S.K.Shah , J.]